

REMARKS

Claims 1-16 are pending. Claims 8 and 14 are amended. The amendments find support in the specification and claims as originally filed (see, e.g., original claim 9). No new matter is added.

Rejection of Claim 8 Under 35 U.S.C. §102(b)

The Office Action states that claim 8 is rejected as anticipated by Weinstock et al. The Office Action states that Weinstock et al. teach methods of treating diseases associated with an aberrant/enhanced Th1 response by administering a helminthic parasite preparation; the diseases disclosed include Chron's disease, ulcerative colitis, and others. The Office Action concludes that that Weinstock et al. teach all the limitations of the claimed invention. Applicants traverse the rejection in view of the amended claims.

It is well settled law that to anticipate, a prior art reference must teach, either expressly or inherently, each element of the claimed invention. See, e.g., *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368 (Fed. Cir. 2005).

Claim 8 has been amended to require the additional step of determining the level of regulatory T cell activity subsequent to administering the helminthic parasite preparation. Weinstock et al. do not teach a method of treating an animal with a Th1 or Th2 related disease by administering a helminthic parasite preparation and then determining the level of regulatory T cell activity. There is no teaching at all in Weinstock et al. of determining regulatory T cell activity. Thus, Weinstock et al. does not teach each element of the claimed invention. Accordingly, Weinstock et al. does not anticipate the amended claims, and Applicants request that the rejection be reconsidered and withdrawn.

Rejection of Claim 8 Under 35 U.S.C. §102(a)

The Office Action states that claim 8 is rejected under §102(a) as anticipated by Summers et al. or Weinstock et al. (Currents, Fall 2000 – Winter 2001) The Office

Action states that Summers et al. teaches the use of *Tricuris suis* to treat active IBD. The Office Action concludes that since IBD is a Th1 related disease, Summers et al. anticipates all the limitations of claim 8.

The Office Action states that Weinstock et al. teaches the use of *Tricuris suis* to treat active IBD. The Office Action concludes that since IBD is a Th1 related disease, Weinstock et al. anticipates all the limitations of claim 8. In view of the amendments made to the claims, Applicants traverse the rejection.

As noted above, claim 8 has been amended to require the additional step of determining the level of regulatory T cell activity. Summers et al. and Weinstock et al. do not teach a method of treating an animal with a Th1 or Th2 related disease by administering a helminthic parasite preparation and then determining the level of regulatory T cell activity. Accordingly, neither Summers et al. nor Weinstock et al. teach each limitation of the claims as amended. Thus, the cited references do not anticipate the instant claims, and Applicants request that the rejection be reconsidered and withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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